

REMARKS

Claims 1-19 are pending in the Application. Claim 18 stands rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Mayaud (U.S. Pat. No. 5,843,255) in view of Joao (U.S. Patent No. 6,283,761).

Rejections Based Upon 35 U.S.C. §112

With respect to claim 18, Applicant has amended claim 18 to depend upon claim 17, as the Examiner correctly assumed in the Office Action. Applicants respectfully request withdrawal of the §112 rejection of claim 18.

Rejections Based Upon 35 U.S.C. §103(a)

With respect to independent claims 1, 7, 8 and 14, The Office Action admits that Mayaud “fails to expressly disclose a method comprising: ... (e) transmitting the payment category and the payment to the insurance company excluding the medication information” (O.A. page 4, *emphasis added*). Applicants contend that Joao neither teaches nor suggests this element. First, Joao does not mention the exclusion of information; and, secondly, the cited passages of Joao are directed to the payment for medical services rather than prescriptions. The following excerpt from Joao illustrates this point:

For example, a payer may deposit a sum of money which can be ear-marked for healthcare provider services ... The provider may also open an account to receive payment from payers and/or patients for services rendered.

(col. 37, lines 49-56; *emphasis added*). Applicants contend that payment for prescriptions and healthcare services are different and that, therefore Joao does not add that which Mayaud lacks. Therefore, Applicants respectfully request withdrawal of the §103(a) rejection of claims 1, 7, 8 and 14.

With respect to independent claim 7, the cited passages of Joao does not suggest “providing limited access to the prescription information to third parties in response to authorization by the patient.” Instead, Joao is directed to either secure communications (col. 4,

lines 6-11) or simply limiting access to information (col. 7, lines 16-19 and col. 19, lines 7-12). Limiting access to information is a distinct and different step than providing access to third parties **in response to authorization by the patient**. Joao simply does not teach or suggest this element. Therefore, Applicants respectfully request withdrawal of the §103(a) rejection of claim 7.

Dependant claims 2-6, 9-13 and 15-19 are allowable at least for the fact that they depend upon one of the allowable independent claims. Applicants respectfully request withdrawal of the rejections of claims 1-19.

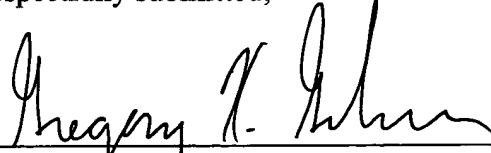
CONCLUSION

To establish *prima facie* obviousness of a claimed invention under §103(a), all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, “**All words in a claim must be considered** in judging the patentability of that claim against prior art.” (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*).

Independent claims 1, 7, 8 and 14 are allowable for the reasons stated above. Each of dependant claims 2-6, 9-13 and 15-19 are allowable at least for the fact that they depend upon one of the allowable independent claims. It is respectfully submitted that all issues and rejections have been adequately addressed and that pending claims 1-19 are allowable and that the case should be advanced to issuance. If the Examiner has any questions or wishes to discuss the claims, the Examiner is encouraged to call the undersigned at the telephone number indicated below.

It is believed that no fees are due with the filing of this Response. However, should any fees are due, the Commissioner is hereby authorized to charge such fees to the deposit account of Greg Goshorn, P.C., Deposit Account No. 50-2491.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory K. Goshorn", is written over a horizontal line.

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